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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,170	07/20/2001	Howard Taitel	04899-058001	1865

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LAHIVE & COCKFIELD, LLP.
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BOSTON, MA 02109

EXAMINER

COBY, FRANTZ

ART UNIT PAPER NUMBER

2171

DATE MAILED: 06/08/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/910,170

Applicant(s)

TAITEL, HOWARD

Examiner

Frantz Coby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This is in response to application filed on July 20, 2001 in which claims 1-42 are presented for examination.

Status of Claims

Claims 1-42 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kodosky et al. US 2003/0195729 A1.

As per claim 1, Kodosky discloses "a method comprising: identifying portions of a model as being either critical to a real-time execution of the model or non-critical to a real-time execution of the model; and generating code that is capable of real-time execution based on the critical portions of the model" (See Kodosky et al. Page 21, Claim 36).

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As per claim 8, Kodosky et al. disclose "a computer program product residing on a computer readable medium having instructions stored thereon which, when executed by a processor cause the processor to: identify portions of a model as being either critical to a real-time execution of the model or non-critical to a real-time execution of the model; and generate code that is capable of real-time execution based on the critical portions of the model" (See Kodosky et al. Page 21, Claim 36).

As per claim 9, Kodosky et al. disclose "a processor and a memory configured to identify portions of a model as being either critical to a real-time execution of the model or non-critical to a real-time execution of the model, and generate code that is capable of real-time execution based on the critical portions of the model" (See kodosky et al. Page 21, Claim 36).

Claims 10-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kodosky et al. US 2003/0196187 A1.

As per claim 10, Kodosky et al. disclose "a method comprising: specifying a model, the model including sections, a first subset of the sections designated post-processing unit sections and a second subset of the sections designated as core processing unit sections; and generating software source code for the model with a code generator using the second subset" See Kodosky et al. Page 14, Claims 22-26).

As per claims 11-15, most of the limitations of these claims have been noted in the rejection of claim 10 above. In addition, Kodosky et al. disclose the claimed features of "wherein the post-processing unit sections are logical units of the model that have no data outputs that feed core processing unit sections"; "linking the code to the first subset of sections through an inter-process communication link; and executing the code on a target processor"; "wherein specifying the model comprises receiving a user input through a graphical user interface (GUI)"; "wherein generating comprises applying a set of software instructions resident in the code generator to the second subset"; "receiving output from the code via the inter-process communications link; and processing the output in the first subset" (See Kodosky et al. Figures 1, 1B and corresponding text).

As per claim 16, all the limitations of this claim have been noted in the rejection of claim 10. It is therefore rejected as set forth above.

As per claims 17-29 all the limitations of these claims have been noted in the rejection of claims 1-15. They are therefore rejected as set forth above.

As per claims 30-33, Kodosky et al. disclose "A processor and a memory configured to: specify a block diagram model, the block diagram model including data having internal pre-defined data storage classes and external custom data storage classes; and generate software source code for the block diagram model with a code

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generator using the internal predefined data storage classes and the external custom data storage classes"; "wherein the processor and the memory are incorporated into a personal computer"; "wherein the processor and the memory are incorporated into a network server residing in the Internet"; "wherein the processor and the memory are incorporated into a single board computer" (See Figures 1, 1A and corresponding text).

As per claims 34-42, all the limitations of these claims have been noted in the rejection of claims 10-23. They are therefore rejected as set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodosky et al. U.S. 2003/0195729 A1 herein after Publication 729 in view of Kodosky et al. US 2003 0196187 herein after Publication 187.

As per claims 2-7, most of the limitations of these claims have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above.

It is noted, however, that the publication 729 did not specifically detail the aspects of "wherein non-critical portions are post-processing units"; "wherein

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post-processing units are logical units of the model that have no synchronized data outputs that feed non-post-processing sections of the model"; "wherein generating further comprises establishing an inter-process communication link between the code and the non-critical portions of the model"; "receiving output from the code via the inter-process communications link"; "executing the code on a target processor"; "processing the output in the non critical portions of the model" as recited in the instant claims 2-7. On the other hand, the publication 187 discloses the aforementioned limitations by executing subset of sections designated post processing unit sections (See Publication 187 Page 14, Claims 23-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combined the teachings of the publication 729 and the publication 187 because they are both directed to generation of hardware implementation of graphical code and are both in the same field of endeavor. One of ordinary skill in the art would have been motivated to do so because such combination would have allowed the publication 729 to provide a seamless environment in which the user can develop an embedded application using high level programming technique (see Abstract of the 187 Publication).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Maxi-Flex (Monday-Saturday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantz Coby
Primary Examiner
Art Unit 2171

June 5, 2004